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July 11, 2005

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Liane Randolph, Chair
Fair Political Practices Commission
428 J Street
Sacramento, CA 95814

Re: Ryan Lawsuit – Agenda Item No. 9

Dear Chairman Randolph:

On June 17, 2005, I wrote to you on behalf of the California Political Attorneys Association ("CPAA") requesting that the Commission take action with respect to the recent private civil lawsuit filed by Norm Ryan against hundreds of Major Donors to statewide campaigns during 2001, 2002 and 2003. In my letter, and in our subsequent telephone conversation, I pointed out that the Commission's inability to notify the named defendants within the statutory period after receiving Mr. Ryan's 120 day demands, has now put the defendants in the unenviable position of having to defend civil lawsuits, rather than resolving these matters through the Commission's streamlined administrative enforcement program.

We are pleased to see that you have placed this matter on the agenda (Item No. 9) for the Commission's July 14, 2005 meeting, and that the Commission is prepared to denounce Mr. Ryan's filing of these lawsuits. Nonetheless, although Mr. Ryan has abused the process, the FPPC's inability to promptly enter defendants in the Commission's streamlined enforcement program has led to the present conundrum. What is particularly frustrating is that the streamlined process was set up to avoid this very result.

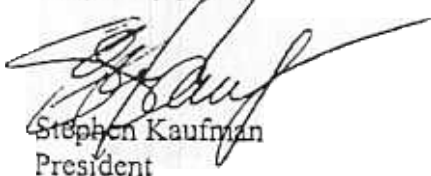
We thus believe that this problem ultimately can be resolved only if Government Code Section 91008.5 provides immunity from civil litigation, even in the event an administrative adjudication is reached *after* the filing of the civil lawsuit. We urge the Commission to include a statement in the proposed Resolution supporting this interpretation of the

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statute, as we believe it was intended. It may be, as I pointed out in my original letter, that a legislative amendment to Section 910081.5 may be appropriate to clarify this policy. On behalf of the CPAA and our clients, I urge you to support an approach that clarifies – once and for all – the intent behind the statute, to prevent these abuses from continuing now and in the future.

Thank you again for your consideration. I look forward to discussing this matter further at the Commission's meeting this Thursday.

Very truly yours,



Stephen Kaufman
President

cc: Philip Blair, Commissioner
Sheridan Downey, III, Commissioner
A. Eugene Huguenin, Jr., Commissioner
Ray Remy, Commissioner